UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/743,132	12/23/2003	Guenter Josef Pecht-Seibert	11884/409301	7486

23838	7590	09/28/2006

KENYON & KENYON LLP
1500 K STREET N.W.
SUITE 700
WASHINGTON, DC 20005

EXAMINER
NGUYEN, CINDY

ART UNIT	PAPER NUMBER
2161	

DATE MAILED: 09/28/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 10/03)

	Application No.	Applicant(s)
Office Action Summary	10/743,132	PECHT-SEIBERT, GUENTER JOSEF
	Examiner	Art Unit	
	Cindy Nguyen	2161	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE _3_ MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on _23 December 2003_.

2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) _1-30_ is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) _1-30_ is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on _23 December 2003_ is/are: a)☐ accepted or b)☒ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All   b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.

5)☐ Notice of Informal Patent Application (PTO-152)

6)☐ Other: _____.

DETAILED ACTION

This is in response to application filed on December 23, 2003 in which claims 1-30 are presented

for examination.

Drawings

Figure 2 should be designated by a legend such as --Prior Art-- because only that which is old is

illustrated. See MPEP § 608.02(g). A proposed drawing correction or corrected drawings are required

in reply to the Office action to avoid abandonment of the application. The objection to the drawings will

not be held in abeyance.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that

form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed
publication in this or a foreign country, before the invention thereof by the applicant for a patent.

Claims 7-9, 22-24 are rejected under 35 U.S.C. 102(a) as being anticipated by

Applicant's Admission.

Regarding claims 7 and 22, Admission discloses A method and a computer programmed

for updating a distributed business object (fig. 2, Admission prior art), comprising: maintaining

a secondary version of the distributed business object in a secondary business management

system (as changing the order in system 255, paragraph 0005, Admission prior art) , said

secondary version including a secondary update counter (update the quantity in order # 4711 in

system 255, Admission prior art); performing a transaction on the secondary version in the

secondary business management system (0005, Admission prior art); and forwarding a representation of the transaction to a primary business management system, the representation including a value of the secondary update counter as it existed before the transaction (transmit the order change that include the quantity change in the order to the other system, 0005, Admission).

Regarding claims 8 and 23, all the limitations of these claims have been noted in the rejection of claims 7 and 22 above, respectively. In addition Admission discloses: further comprising: receiving from the primary business management system a confirmation of the transaction, said confirmation including a replacement value for the secondary update counter (0005, Admission prior art).

Regarding claims 9 and 24, all the limitations of these claims have been noted in the rejection of claims 7 and 22 above, respectively. In addition Admission discloses: further comprising: receiving from the primary business management system a rejection of the transaction, said rejection including a replacement value for the secondary update counter, said rejection including replacement information for the secondary version of the distributed business object.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

The factual inquiries set forth in *Graham* v. *John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1.   Determining the scope and contents of the prior art.
2.   Ascertaining the differences between the prior art and the claims at issue.
3.   Resolving the level of ordinary skill in the pertinent art.
4.   Considering objective evidence present in the application indicating obviousness or nonobviousness.

Claims 1-30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Applicant's

Admission in view of Sakakura (US 6981061).

Regarding claims 1, 1016 and 25, Admission prior art discloses: A method , a

system and a computer programmed and a machine-readable medium having stored thereon a

plurality of instructions for parallelizing a database query, for updating a distributed business

object (changing the order, fig. 2, Admission prior art, comprising: maintaining a primary

version of the distributed business object in a primary business management system (system

205, fig. 2), said primary version including a primary update counter (update the quantity in

order # 4711); receiving from a secondary business management system a notification of an

update to a secondary version of the distributed business object (paragraph 0005), said

secondary version including a secondary update counter, said notification including the

secondary update counter (paragraphs 0004-0005);

However, Admission prior art didn't discloses: comparing the primary update counter to

the secondary update counter; and updating the primary version of the distributed business

object based on the notification if the comparison indicates that the primary update counter and

the secondary update counter are identical.

However, Sakakura disclose: comparing the primary update counter to the

secondary update counter (col. 5, lines 55-58, Sakakura); and updating the primary version of

the distributed business object based on the notification if the comparison indicates that the

primary update counter and the secondary update counter are identical (col. 8, lines 55 to col. 6,

lines 14, Sakakura). Thus, at the time invention was made, it would have been obvious to a

person of ordinary skill in the art to include steps for comparing and updating as claimed in

Admission as taught by Sakakura. The motivation being to enable the system provide a data

updating method for a computer systems having a plurality of user terminals and a server for

controlling the shared data among the users to avoid the invalid transaction.

In addition, Sakakura disclose the first computer and a second computer

coupled to a network as public network 108, fig. 1, Sakakura.

Regarding claims 2, 11, 17 and 26, all the limitations of these claims have been noted in

the rejection of claims 1, 10, 16, and 25 above, respectively. In addition Admission/Sakakura

discloses: further comprising: rejecting the update if the comparison indicates that the primary

update counter and the secondary update counter are different (if the buying quantity is

exceeding the selling quantity, non-establishing the buying order, col. 5, lines 60-65, Sakakura).

Regarding claims 3, 12 18 and 27, all the limitations of these claims have been noted in

the rejection of claims 2, 11, 17 and 26 above, respectively. In addition Admission/Sakakura

discloses: further comprising: transmitting a rejection to the secondary business management

system, said rejection including the primary update counter (col. 12, lines 7-41, Sakakura).

Regarding claims 4, 13, 19 and 28, all the limitations of these claims have been noted in

the rejection of claims 3, 12, 18 and 27 above, respectively. In addition Admission/Sakakura

discloses: wherein said rejection includes the primary version of the distributed business object

(col. 5, lines 60-65, Sakakura).

Regarding claims 5, 14, 20, 21, 29 and 30, all the limitations of these claims have been

noted in the rejection of claims 1, 10, 18 and 27 above, respectively. In addition

Admission/Sakakura discloses: wherein the updating further comprises incrementing the

primary update counter (paragraph 0005, Admission); and returning a confirmation of the

update to the secondary business management system, said confirmation including the

incremented primary update counter (paragraph 0005, Admission).

Regarding claim 6, all the limitations of this claim have been noted in the rejection of

claim 1 above. In addition Admission/Sakakura discloses: further comprising: incrementing

the primary update counter only when the secondary business management system must be

informed of the update to the business object (inform each other that an order has change 0005,

Admission prior art).

Regarding claim 15, all the limitations of this claim have been noted in the rejection of

claim 10 above. In addition Admission/Sakakura discloses: further comprising: the first

computer to perform a second transaction on the primary version of the distributed business

object 0005, Admission); the first computer to update the primary version based on the second

transaction (0004, 0005, Admission); the first computer to increment the primary update

counter upon updating the primary version (0005, Admission) ; and the first computer to

forward a confirmation of the update to the secondary business management system, said

confirmation including the incremented primary update counter (col. 12, lines 12, lines 62-65,

Sakakura).

Contact Information

Any inquiry concerning this communication or earlier communications from the examiner

should be directed to Cindy Nguyen whose telephone number is 571-272-4025. The examiner can

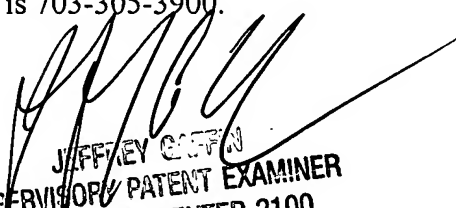normally be reached on M-F: 8:00-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor,

Gaffin Jeffrey can be reached on 571-272-4160. The fax phone numbers for the organization where this

application or proceeding is assigned are 703-872-9306 for regular communications and 703-872-9306

for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should

be directed to the receptionist whose telephone number is 703-305-3900.

JEFFREY GAFFIN
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100

Cindy Nguyen

September 26, 2006